

MLP

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MAR 12 AM 10:28 *ms*

**UNITED STATES OF AMERICA,**

Plaintiff,

**V.**

**Sandra RODRIGUEZ,**

Defendant(s)

Magistrate Case No.

'08 MJ 07 89

COMPLAINT FOR VIOLATION OF:

**Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)**  
**Transportation of Illegal**  
**Aliens**

The undersigned complainant, being duly sworn, states:

On or about **March 10, 2008**, within the Southern District of California, defendant **Sandra RODRIGUEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Francisco CARILLO-Villa, Arturo Gerardo VILLA-Hernandez**, and **Arturo GAYTAN-Gutierrez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF MARCH 2008

Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

M/P

### PROBABLE CAUSE STATEMENT

The complainant states that **Francisco CARILLO-Villa, Arturo Gerardo VILLA-Hernandez, and Arturo GAYTAN-Gutierrez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 10, 2008, at approximately 1:00 p.m., Smuggling Interdiction Group (SIG) Agents H. Martinez and M. Perez were working in a plainclothes capacity in Oceanside, California. Agents Martinez and Perez were standing on Olive Street when they observed a grey Nissan Altima pass their location, as it passed they observed three occupants in the rear seating area attempt to sit low out of view to the motoring public. Agent Perez also noticed the driver later identified as the defendant **Sandra RODRIGUEZ**, turn to look at him then quickly turn her head away from his direction and accelerate. Agent Perez noticed Agents Castillo and N. Mondragon were arriving at this location in a marked Border Patrol vehicle. Agent Perez informed Agents Castillo and Mondragon of the actions of the driver and passengers of the Altima. Agent Castillo observed the driver become startled upon noticing his marked United States Border Patrol sedan.

Upon seeing his marked unit, she accelerated and attempted to abscond. As the vehicle passed their location, Agents Castillo and Mondragon also observed several individuals in the rear seat crouch down. Agents Castillo and Mondragon followed the vehicle and activated their emergency equipment to stop the vehicle and perform an immigration inspection of the occupants of the vehicle. The vehicle came to a stop at the intersection of Mission road and San Diego St. Agents Castillo and Mondragon approached the vehicle and identified themselves as United States Border Patrol Agents to the defendant and the four passengers in the vehicle.

Agent Mondragon asked the defendant to state her citizenship. The defendant stated that she was a citizen of the United States and presented Agent Mondragon with a valid U.S. Passport. Agent Mondragon asked the passengers to state their citizenship, all four individuals stated that they were illegally present in the United States and that they were citizens of Mexico. The defendant and the four illegal aliens and the vehicle were transported to the San Clemente Station for further processing.

### DEFENDANT STATEMENT: Sandra RODRIGUEZ

The defendant was advised of her Miranda Rights. The defendant stated that she understood her rights and was willing to answer questions without having a lawyer present.

The defendant stated that she was having lunch with a couple of friends at a local Kentucky Fried Chicken in San Ysidro, California when she overheard a group of four guys stating that they were waiting for a ride. The defendant stated that she offered to give them a ride to Oceanside, California for a fee of \$20.00 each. The defendant stated that she drove the group to the Burger King on Mission Rd in Oceanside, California, where they were apprehended by Border Patrol.

The defendant stated that she has been arrested on previous occasions for alien smuggling.

*MIP*

**MATERIAL WITNESSES STATEMENTS:**

Material Witnesses **Francisco CARILLO-Villa, Arturo Gerardo VILLA-Hernandez, and Arturo GAYTAN-Gutierrez** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. All the material witnesses stated that they crossed illegally through the San Ysidro Port of Entry in San Ysidro, California. Material witnesses Arturo Gerardo VILLA-Hernandez and Arturo GAYTAN-Gutierrez were to pay \$ 2800.00 (USD) each to be smuggled to Los Angeles, CA. When shown a photographic lineup all of the material witnesses were able to identify **Sandra RODRIGUEZ** as the driver of the vehicle.